

# **EXHIBIT D**

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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Case No. 05-44481-rdd

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In the matter of:

DPH HOLDINGS CORP., et al.,

Reorganized Debtors.

- - - - -x

United States Bankruptcy Court

One Bowling Green

New York, New York

April 1, 2010

10:44 AM

B E F O R E:

HON. ROBERT D. DRAIN

U.S. BANKRUPTCY JUDGE

VERITEXT REPORTING COMPANY

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516-608-2400

1 that any objectant would suffer prejudice as a result of the  
2 extension of the deadline from April 5th.

3 To the extent that they're complaining about  
4 prejudice that they claim they may have suffered because these  
5 actions were filed back in August 2007 and are being unsealed  
6 and prosecuted only at this time, that's not a matter that can  
7 appropriately be raised with regard to the service motion.  
8 There are other defendants who have filed motions seeking to  
9 vacate Your Honor's orders that preserved these actions for  
10 prosecution post-consummation. These objectants can preserve  
11 whatever rights they may have in that regard, but that's simply  
12 not an issue that is appropriate for this motion which merely  
13 seeks an extension of the service deadline to accomplish  
14 foreign service.

15 THE COURT: What about -- I know of at least one of  
16 the objections raised that -- the fact that DPH is seeking, I  
17 think later this month, approval of omnibus procedures for  
18 dealing with discovery and pretrial issues related to adversary  
19 proceedings in general. And I take it the objection basically  
20 says should we be focusing on -- or should we be forced to  
21 focus on the procedures and/or be bound by them if we haven't  
22 yet been served.

23 MR. FISHER: Your Honor, I think the answer to that  
24 is simple. That motion is scheduled to be heard on April 22nd.  
25 And the proposed order providing for the case management

1 procedures specifies that any party may apply for relief from  
2 that order. And any foreign defendant served after that order  
3 -- after a case management order is entered with regard to  
4 these cases can seek relief certainly on the grounds that they  
5 had not been served and thus were not a party to these cases --

6 THE COURT: Well, would they even have to seek relief  
7 if they're not a party? I mean, it's odd to say that they'd be  
8 bound if they're not party to an adversary proceeding that's  
9 been --

10 MR. FISHER: Your Honor, the purpose --

11 THE COURT: -- served yet.

12 MR. FISHER: -- of the case management order, of  
13 course, is to have uniform procedures in place that expedite  
14 these cases --

15 MR. FISHER: So as a practical matter, it would seem  
16 to me that they would want to participate in the hearing,  
17 although with regard to deadlines and such, obviously those  
18 deadlines would have to run from service, right? They wouldn't  
19 be running from the filing of the complaint.

20 MR. FISHER: That's correct, Your Honor.

21 THE COURT: Okay.

22 MR. FISHER: And certainly, if any of the objectants'  
23 counsel wishes to consent to service and be heard on April  
24 22nd, that certainly would simplify matters greatly.

25 THE COURT: You would not preclude any of these